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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,113	11/16/2000	STEPHEN JOHN RUIZ	004164.P004	4948

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EXAMINER


NGUYEN, XUAN LAN T

ART UNIT PAPER NUMBER

3683

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No. 09/716,113	Applicant(s) RUIZ, STEPHEN JOHN	
	Examiner Lan Nguyen	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-21 and 23-40 is/are pending in the application.
- 4a) Of the above claim(s) 4,7-20,24 and 27-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,21,23,25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

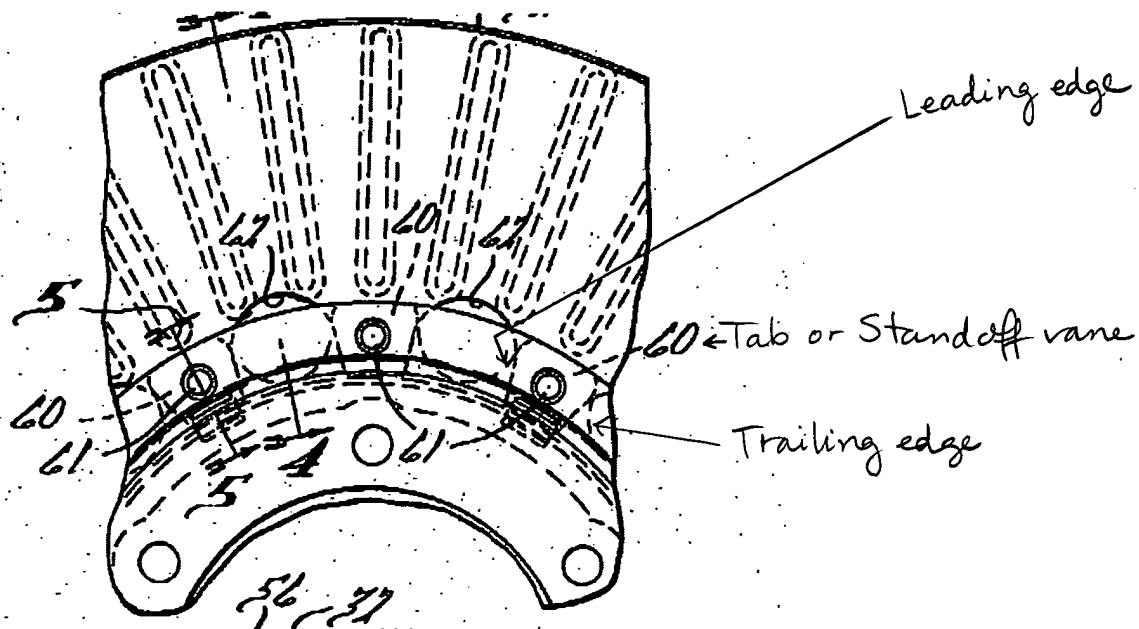
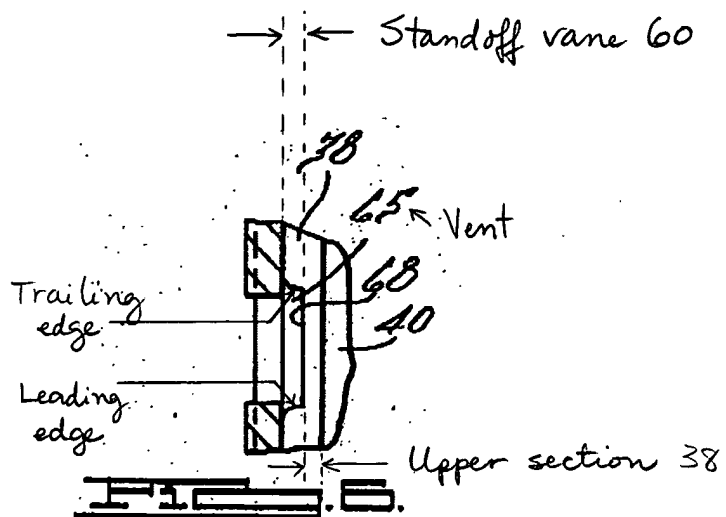
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5, 6, 21, 23, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Caskey.

Re: claim 1, Caskey shows a mounting hat 34 for a brake rotor 32, as in the present invention, comprising: a lower section 36 coupled to an upper section 38, a plurality of aerodynamically shaped standoff vanes shown in figure 3 as tabs 60 wherein the bolts 61 are going through the vanes to attach the upper section 38 to the rotor 32, in figures 6 and 3, Caskey shows the leading edge and the trailing edge of the recess 65 to be curved and have different shapes in that each edge curves in a different direction, see the figures below, the standoff vanes space apart the upper section 38 from the brake rotor 32 as shown; and a plurality of vents, recesses 65, formed between adjacent aerodynamically shaped standoff vanes, wherein the vents are circumferentially distributed on the upper section, as shown in figure 3, and air located within said mounting hat and air deflected from said brake rotor are induced to flow through the vents 65 in a direction outward from a radial interior of said mounting hat to

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a radial exterior of said mounting hat, as stated in column 3, lines 53-57 and column 3, line 63 to column 4, line 2.



Re: claim 3, figure 6 shows the leading edge and trailing edge of the plurality of aerodynamically shaped standoff vanes are one of stepped up and ramped up from the upper section towards the top of the vanes.

Re: claim 5, figure 6 shows the leading edge and the trailing edge to be asymmetrical.

Re: claim 6, figure 3 shows bolts 61.

Re: claim 21, Caskey shows a brake rotor, as in the present invention, comprising: a rotor 32, a hub 34 having a plurality of aerodynamically shaped standoff vanes shown as tabs 60, each having a curved leading edge and a curved trailing edge, as shown in figures 3 and 6; a plurality of vents 65 are circumferentially distributed between hub and the rotor, the leading edge and the trailing edge each having different shapes in that each edge curves in a different direction, air located within the hub 34 is induced to flow through the vents 65 along the braking surface 54 to cool the rotor, as discussed in column 3, lines 53-57 and column 3, line 63 to column 4, line 2.

Re: claim 23, figure 6 shows the leading edge and trailing edge of the plurality of aerodynamically shaped standoff vanes are one of stepped up and ramped up from the upper section towards the top of the vanes.

Re: claim 25, figure 6 shows the leading edge and the trailing edge to be asymmetrical.

Re: claim 26, figure 3 shows bolts 61.

Response to Arguments

3. Applicant's arguments filed 11/08/04 have been fully considered but they are not persuasive. Applicant argues that Caskey's recesses are not standoff vanes. Applicant is correct. The tabs 60 of Caskey are being considered to be the same as the instant invention's standoff vanes. Figure 6 shows the recess between the tabs 60 (or between the standoff vanes 60), hence said recess would have a trailing edge of one standoff vane 60 on the upper side and a leading edge of one standoff vane on the lower side. Applicant also argues that Caskey does not show the edges to be curved. As clearly shown in both figures, the leading edges and trailing edges of the standoff vanes 60 are curved. As stated above, the leading edge and trailing edge of each standoff vane 60 have different shapes in that each edge curves in a different direction. The rejection is still deemed proper and is repeated above.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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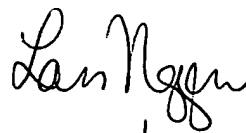
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347. The examiner can normally be reached on M-F, 8 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Nguyen
Patent Examiner
Art Unit 3683


1/14/05